

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

FILED

JUL - 2 2015

TERESA L. DEPPNER, CLERK  
U.S. District Court  
Southern District of West Virginia

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL ACTION NO. 2:14-cr-00118

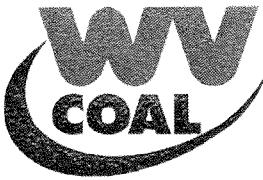
GARY K. GRIFFITH,

Defendant.

EXHIBIT LIST

Gov't No.	Def't No.	Date Identified	Date Admitted	Description	Location*
	1	6-30-15	6-30-15	letters on behalf of the Defendant	Clerk
	2	6-30-15	6-30-15	letter from Dr. Miller on behalf of the Defendant filed under seal	Clerk

\*Location options: Clerk; U.S. Atty; U.S. Marshal; Pl. Atty; Def. Atty; agency



# West Virginia Coal Association

PO Box 3923, Charleston, WV 25339 ■ (304) 342-4153 ■ Fax 342-7651 ■ www.wvcoal.com

July 28, 2014

The Honorable Thomas E. Johnston, Judge  
United States District Court  
Southern District of West Virginia  
P.O. Box 2546  
Charleston, WV 25329

DEFENDANT'S EXHIBIT	
6-30-15	
CASE NO.	2:14-cr-118
Gary Griffith	
EXHIBIT NO.	1

Dear Judge Johnston:

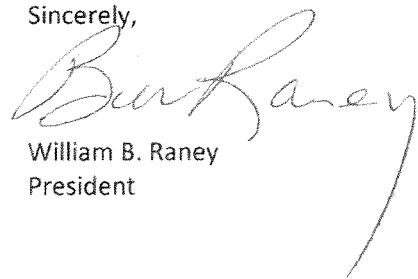
I was pleased to be asked to write a letter regarding Gary Griffith and my more than thirty years' experience with him. I first met Gary when I was Vice President of the West Virginia Mining and Reclamation Association, which has since been merged with the West Virginia Coal Association where I am currently serving as President, and he went to work for one of our members, Mingo Logan Coal Company, in Mingo County, near Wharncliffe, West Virginia. At the time it was developed, Mingo Logan's Mountaineer Mine Complex was one of the most modern in America and Gary was part of the young, professional management team that kept it running. The complex was, of course, the subject of many mine tours and Gary was always one of the most enthusiastic, proud and knowledgeable employees who helped guide and instruct the various groups who were touring. Over the years, he developed into one of the more outstanding advocates and spokesmen for the operational, safety and environmental activities of the industry. He was always willing to take any request that would help people better understand the industry and that would give him a chance to brag about the folks who worked for and with him. He was described by others, who I knew in the company, as the "go to" guy for operational and maintenance matters that would keep the mine running and the people safe.

My experience with Gary was long and extensive at Mingo Logan and I was always impressed with Gary's straightforward and diplomatic manner and I could always depend on him to assist in any way I ever requested. Gary's behavior and his willingness to assist transferred with him to the Mountain Laurel Complex of Arch Coal. Over all those years, I never witnessed or heard others say anything bad or derogatory about Gary's character, performance nor his passion to volunteer and assist in any project, particularly if it had the opportunity advance the public's knowledge and acceptance of the coal industry and the way it operated in West Virginia.

Over the years, I have also had numerous opportunities to participate with Gary in the more social atmosphere of industry and Association meetings. He was always a favorite among his peers, superiors and, most notably, those who worked for him. They all seemed to have the deepest respect for his truthfulness, dedication to duty and his overriding commitment to follow the Golden Rule in everything he did. He was always outwardly loyal to his people, both superiors and subordinates, and was absolutely devoted to protecting them and assuring their wellbeing in every type of situation. He often talked about how important the values of family and camaraderie were to him and he always wanted to be sure his workers, colleagues and friends were protected and safe so they could return to their families.

As you might discern from the above comments and recollections from the years I have known and worked with him, I developed the utmost respect for Gary Griffith and his dedication to protect his people and provide the best he could for them, his devotion to the importance of family values, trustworthiness, dependability and doing the best job possible, regardless of the situation. I would be pleased to provide any additional information if it would be helpful and, certainly, to answer any questions you or others might have. Thank you for the opportunity to share these thoughts.

Sincerely,

A handwritten signature in black ink, appearing to read "William B. Raney".

William B. Raney  
President

July 29, 2014

The Honorable Thomas E. Johnston  
Robert C. Byrd United States Court House  
300 Virginia Street East  
Suite 2400  
Charleston, WV 25301

Dear Judge Johnston:

My name is Edward M. Pastilong. I am retired from West Virginia University after thirty-seven years; the last twenty-one serving as Director of Athletics. Prior to joining WVU, I was football coach at Salem College for eight years.

I wish to submit a personal reference for Gary K. Griffith, who is appearing before you. I first met Gary in the late 1970's having followed his brother "Corky" as Salem's coach. Our friendship continued into my West Virginia University years since he and "corky" had close association with both schools Athletic Departments. My responsibilities required many visits to Charleston, Logan, and Southern West Virginia where I had occasions to be in Gary's company. I became friends with Gary over the many years and enjoyed visiting him at WVU gatherings in his area as well as his attendance at WVU Athletic events in Morgantown.

I am not familiar with the reason in which Gary is appearing before you, however, I can state this in our visits together he has always conducted himself in a courteous, respectful and gentlemanly manner. I cannot recall any incidents that would make me think otherwise. Gary is a good friend and I have always viewed him as a good person.

I am in hopes that my small contribution to your decision will be of assistance. Thank you for allowing me to speak on my friend's behalf.

Sincerely,

*Edward M. Pastilong*

Edward M. Pastilong  
874 Rawley Avenue  
Morgantown, WV 26505

The Honorable Judge Thomas E. Johnston

7/30/2014

I am writing this letter on behalf of Gary K. Griffith, who I have known for more than 50 years and can say without equivocation that he is a person of faith, honesty and strong moral character. I was surprised to learn that Gary had been charged with a serious breach of the law because I know that he respects authority, individual rights and the rule of law. Gary is one of the few people I know that has my complete trust in all situations and especially in matters of substantive importance. As a career Army officer, who spent thirty-four years on active duty and commanded at every level from Lieutenant to Colonel, I was responsible for thousands of soldiers under extremely challenging conditions to include combat. Men and women under my command made mistakes and I was responsible for evaluating the situation and circumstances and administering punishment as warranted. I learned through experience, accompanied by common sense, to make judgments and administer punishment that was consistent with the infraction and circumstances surrounding each offense. For those situations where the offense was an isolated incident, I gave the soldiers the benefit of any doubt and they overwhelmingly took advantage of the leniency by completing their tour of duty with honor and distinction. I say this only to demonstrate that I have a frame of reference to evaluate Gary's situation and to state with reasonable certainty that his lapse in judgment resulting in his appearance in your court was totally inconsistent with his background, core values and self-imposed standards of conduct in general. While I recognize that the situation for which you must decide appropriate punishment is a serious matter that must be dealt with in a firm and fair manner, I hope that my written testimony regarding Gary's overall character can be taken into consideration and have a favorable bearing on your decision and adjudication of this unfortunate matter. I am certain that Gary has learned from his mistakes and have complete confidence that his conduct and decision making in the future will be influenced in a permanent and positive way by this isolated lapse of judgment.

Your willingness to accept my input in Gary's behalf is greatly appreciated. If appropriate, I am prepared to meet with you regarding this important matter.



Byron K. Dean

Colonel, US Army (Retired)

July 18, 2014

The Honorable Thomas E. Johnston  
Robert C. Byrd United States Court House  
300 Virginia Street East  
Suite 2400  
Charleston, WV 25301

Dear Judge Johnston:

My name is Thomas J. DeWitt. I am the former President and CEO of Swanson Industries, Inc., a privately held company located in Morgantown, WV, and am now retired from active work but remain a member of the Swanson Industries Board of Directors. Prior to joining Swanson in 1995 I was a Group Vice President of National Mine Service Company which was owed by Charter, PLLC a United Kingdom publically held company.

I am offering to you my personal reference for Gary K. Griffith, who is appearing before you in court. I first met Gary in the early 1990s when the company I worked for, National Mine Service Company, began doing business with the Mingo Logan Coal Mine via National Mine Service's Morgantown Machine & Hydraulics Company (MMH). MMH manufactures and rebuilds mining equipment for numerous mining customers throughout the USA, and I had full responsibility for all MMH activities. I left National Mine Service Company in 1995 to join Swanson as a Vice President and assumed the President and CEO role in 2000. In 2001 Swanson acquired Morgantown Machine & Hydraulics. From the early 1990s to April of 2013 the companies for which I was responsible enjoyed an excellent business relationship with Mingo Logan, now Mountain Laurel Mine, and with its parent, Arch Coal Company. As a result of this business relationship, I met and grew to know Gary Griffith due to his position as the maintenance manager at the mine. Our business relationship also grew into a personal friendship but the business relationship and the personal friendship remained separate, as they must.

In all my business dealings with Gary, he expected only that our companies provide his employer with superior quality products and excellent service, and to provide both at a competitive price. Never once did Gary ask, or imply, that the business relationship should step outside the boundary of what is ethically proper. My personal relationship parallels our business relationship. We have always had a mutual trust for each other and Gary remains my friend.

I do not know the facts on the matter that is appearing in your court, but I do know that in all of my dealings with Gary he acted only in the best interest of his employer. I ask that you consider my personal twenty plus years of experiences with Gary and my trust in him as a customer and a friend in the decisions you must render.

Sincerely,



Thomas J. DeWitt  
3146 Dahlia Way  
Naples, FL 34105

Lourn M Boyce, III  
Teacher  
Wyoming East High School  
P.O. Box 246  
Pineville, WV 24874  
Phone No: 304-732-8482

July 29, 2014

Re: Character Reference for Gary Griffith

The Honorable Judge,

This letter is being written by the undersigned on behalf of Gary Griffith. Having known Gary for almost five years now, I was surprised at the charges that are being filed against him. We have spent a great deal of time together over the last few years. His grandson, Jacob Summe, and my son, Jacob Boyce, are close friends. My son and Jacob Summe will be rooming together at Fairmont State this fall. They played football and wrestled together throughout their high school careers. Our families have spent countless hours together at practices, football games, wrestling matches, playoff games and state tournaments. I consider Gary to be a close personal friend of mine and this whole scenario is extremely out of character for someone as generous and upright as Gary. We first met at a wrestling match during my son Jacob's freshman year of high school. These matches are all day events on Saturday and Sunday. There is a great deal of time to talk and spend time discussing life and all of its nuances. The two extended families, which include parents, grandparents, siblings and friends, have also enjoyed each other's company over many dinners and cookouts.

Over the last several years Gary has always been supportive of my son and our three daughters. He has shown a sincere interest in their activities, their progress in school and what they plan to do in life. Gary has been encouraging to each child, but has not hesitated to challenge them to perform at their best and show character by persevering through with heart and determination. On many occasions Gary has been a guardian to my son. He has voluntarily taken Jacob to state basketball tournaments and extended two day wrestling tournaments that I could not attend. Gary's grandson, Jacob Summe, has been a continual fixture at my house over the years. He comes and goes at our house as one of our family. I have given you just a few of these examples to show the extent of the time that our families have spent together. This is a brief snapshot. During all of this time I have experienced nothing but kindness, friendship, and a personal extension of Gary's true spirit toward myself and my family. His character has never been anything but upstanding and supportive.

If you have any further questions, please feel free to contact me at 304-732-8482.

Sincerely,



Teacher  
Wyoming East High School  
P.O. Box 246  
Pineville, WV 24874  
Phone No: 304-732-8482

HONORABLE THOMAS E. JOHNSTON:

I have known Gary Griffith for 19 years. I was employed by Mingo Logan Coal Company, a subsidiary of Arch Coal, from 1995 until 2007. During that time I worked as an Accountant. Gary Griffith worked as the Maintenance Superintendent. Whatever Gary did, he did it well and on time- and with a good attitude. He was a team player and was always ready to take on additional responsibility or help others. With his friendly disposition he was able to develop a lot of friendships that allowed him to work well with others at our subsidiary as well as with corporate personnel. He never missed work and was always at work on time.

One of the most impressive things about Gary was his ability to balance and manage his personal and work life. He worked 10-hour shifts and a lot of Saturdays, and was called out at all hours of the night when the mine had an emergency, yet he was able to raise his daughters as a single father. As a single mother of a son, I know this to be no easy task to undertake and rarely done by fathers.

Another impressive aspect of Gary, is his charitable heart. He has mentored young men to help them have a fighting chance in this world. Gary help his employees out when struggles came their way as well. Gary would drive out of his way every large snow day to pick up employees who didn't have four wheel drive to ensure they didn't miss a days work (I was one who counted on Gary if it snowed).

Friends and citizens like Gary Griffith are hard to come by. I don't stand behind Gary, I stand beside Gary for he is truly the finest man I know.

Sincerely,



Vanessa Adkins

Business Support Manager

Cliffs Natural Resources, Pinnacle Mining

304-250-4600